

CITY OF MILWAUKIE

ORDINANCE NO. 1728

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
PROVIDING FOR IMPOUNDING OF VEHICLES UNDER CERTAIN
CONDITIONS BY AMENDING CHAPTER 10.20 OF THE MILWAUKIE
MUNICIPAL CODE.**

**WHEREAS, the City of Milwaukie has adopted by ordinance
regulations governing the standing or parking of vehicles; and**

**WHEREAS, enforcement of parking regulation violations is carried
out through the issuance of citations by the police department and
adjudication of offenses is the responsibility of the Municipal
Court; and**

**WHEREAS, parking citations may remain with the bail and/or fines
unpaid and sanctions are necessary to encourage court appearance
and payment of outstanding bail and fines; and**

**WHEREAS, impounding of vehicles on which citations have been
issued and are unpaid is necessary to ensure prompt payment of bail
and/or fines as determined by the Municipal Court, now, THEREFORE:**

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

**Section 1. Section 10.20.090.B. of the Milwaukie Municipal Code
is amended to read as follows:**

**B. Whenever an operator accumulates five (5) or
more traffic citations affixed to a vehicle and the bail
or fines remain unpaid, a certified letter may be sent
to the registered owner of the vehicle, return receipt
requested, informing the owner that the bail or fines
must be paid within ten (10) days from the date of
mailing of the certified letter or the vehicle may not
be parked or allowed to stand on a street and may be
impounded in accordance with Section 10.20.095 of the
Milwaukie Municipal Code.**

**Section 2. Chapter 10.20 of the Milwaukie Municipal Code is hereby
amended by adding Section 10.20.095 to read as follows:**

10.20.095 Violation -- Five or More Citations

**A. No operator shall stand or park a vehicle and
no owner shall allow a vehicle to stand or park on a
street, city property, property controlled by the city**

or property for which the city is contracted to enforce parking regulations when there are five (5) or more currently outstanding parking citations on which:

1. There is unpaid bail, fines, costs, or a combination of bail, fines and costs for parking violation(s) in this code;

2. The time for appearing or posting bail in Municipal Court specified on the citation(s) or the time for payment of the fine has passed; and

3. The Clerk of the Municipal Court has notified the registered owner of the outstanding parking citations under Section 10.20.090.B. of the Milwaukie Municipal Code.

When a vehicle is standing or parked in violation of this section, a police officer may issue a citation and may immobilize the vehicle as provided in subsection B.

B. When a operator, owner or person in charge of a vehicle is cited for violation of Section 10.20.095.A., the officer issuing the citation may:

1. Immobilize the vehicle temporarily for a period of twenty-four (24) hours by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle;

2. Conspicuously affix to the vehicle the written notice prescribed in subsection C of this section; and

3. Using the records of the Oregon Motor Vehicles Division or other record readily available, mail the notice prescribed in subsection C of this section to the owner.

C. The notice required by subsection B of this section shall contain:

1. The name of the city employee ordering the temporary immobilization;

2. A description of the vehicle and its location;

3. A statement of the reason for the temporary immobilization of the vehicle, including a reference to the code section which was violated;

4. Where to go and how to obtain release of the vehicle;

5. The statement that attempting to remove the immobilization device or removing it, or attempting to remove or removing the vehicle before it is released as authorized by this code is an offense.

The parking restrictions of the city shall not apply to a vehicle that has been temporarily immobilized as provided in this section.

D. No person other than a city police officer shall remove or attempt to remove a temporary immobilization device or move or attempt to move the vehicle, before it is released by the police department or the clerk of the Municipal Court in accordance with this section. A vehicle shall be released and the temporary immobilization device removed when the owner, operator or person in charge of the vehicle:

1. Posts bail and pays all fines and bail for parking citations issued against the vehicle, its operator or owner; or

2. Presents clear and convincing information to an employee of the city designated by the Municipal Judge to receive such information, that the present owner of the vehicle did not own the immobilized vehicle at the time the parking citations were issued that established the violation of subsection A, or that the bail and fines for parking citations that establish the violation of subsection A have been paid before the vehicle was temporarily immobilized.

E. Unless release of the vehicle is arranged within twenty-four (24) hours of immobilization of the vehicle, the police department may remove the vehicle from the street or other public property as provided in Chapter 10.40.

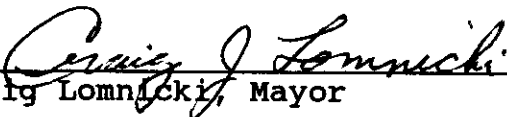
F. The city employee designated by the Municipal Judge, as provided in subsection D of this section, may for good cause extend the time limit the temporary immobilization device is left attached to a vehicle before it is towed and stored. The extension of time limit shall not exceed an additional twenty-four (24) hours, excluding Sundays and holidays.

G. The city shall be exempt from all liability, including but not limited to common law liability, that it might incur as a result of immobilizing the vehicle. The owner of the vehicle is fully liable for any damage to the vehicle and injury to others while the vehicle is immobilized.


Read for the first time on October 20, 1992 and moved to a second reading by unanimous vote of the City Council.

Read for the second time and adopted by the City Council on October 20, 1992.

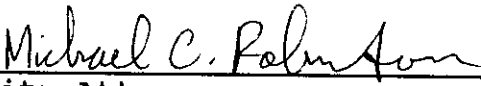
Signed by the Mayor on October 20, 1992.


Craig Lomnicki, Mayor

ATTEST:


City Recorder

APPROVED AS TO FORM:


City Attorney

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